

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
AUG 23 2016

Clerk, U.S. District Court
Texas Eastern

DAVID E. MACK,

Plaintiff,

v.

**ACCOUNT DISCOVERY
SYSTEMS, LLC**

Defendant.

CASE NO. 4:16-cv-373-ALM-CAN

OPPOSED MOTION FOR ENTRY OF PROTECTIVE ORDER

COMES NOW the Plaintiff with his Opposed Motion for Entry of Protective Order and states and alleges as follows:

Plaintiff files this motion as OPPOSED in that Defendant has refused to file the stipulated motion approved by the Plaintiff some two weeks ago after starting the process of securing the protective order on July 12, 2016 some 40 days ago. Plaintiff can only view Defendant's refusal to file the motion as opposition to filing the Stipulated Motion and Protective Order with the Court.

The parties in their Joint Scheduling Report to the Court stated they were in agreement to filing a Joint Stipulated Protective Order in this case regarding discovery. Unfortunately Plaintiff has not been able to elicit the cooperation of the Defendant in filing a Stipulated Motion for Protective Order with the Court. Plaintiff sent a draft motion and protective order to Defendant on July 12, 2016 for its review to facilitate filing it with the Court in an expedited and timely manner. Counsel for Defendant was admittedly out of the country until July 25, 2016 but it still took another week as Defendant did not respond until August 1, 2016 and then only after 2

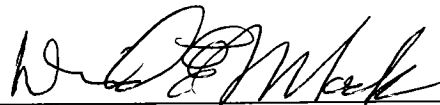
inquiries by Plaintiff. Counsel for Defendant's response simply stated that he was driving and would look at it later in the week hence yet more delays. On August 8, 2016 Defendant provided a different draft protective order for Plaintiff's review which he approved for filing. Plaintiff noticed the Defendant of such on August 9, 2016 giving his approval for filing with the Court.

Unfortunately, the Defendant has steadfastly refused to cooperate in any timely manner and to date has refused to file the Stipulated Motion and Proposed Order electronically with the court even though it was noticed of Plaintiff's approval for filing of *their* draft on August 9, 2016 some two weeks ago. Plaintiff has made numerous attempts to move the process to conclusion and filing of the Motion and Order to no avail. Plaintiff has been met with continued delays, excuses of a heavy caseload, dilatory tactics and an outright unwillingness to communicate by the Defendant. [See Exhibit 1]

Plaintiff therefore asks the Court to enter the attached Protective Order (which is a draft order provided to Plaintiff by Defendant which it approved for filing) in an effort to facilitate the exchange of confidential documents through formal discovery. A copy of the Proposed Protective Order is attached hereto as Exhibit 1.

WHEREFORE, Plaintiff respectfully requests that this Court enter the attached proposed Protective Order as an Order of this Court.

Respectfully submitted this ____ day of August, 2016.

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E. Mack
7720 McCallum Boulevard, #2099
Dallas, Texas 75252
Telephone: (972) 735-9642
Email: mack2001@swbell.com

CERTIFICATE OF SERVICE

This is to certify a true and correct copy of the foregoing document was sent to the below named party by first class USPS mail.

Dated: August 23, 2016

A handwritten signature in black ink, appearing to read "David E Mack", written over a horizontal line.

David E Mack

Brendan H. Little
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